

Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

November 12, 2013

Nicolas Commandeur
(212) 336-2483
Direct Fax (212) 336-7894
ncommandeur@pbwt.com

By Electronic Case Filing and E-mail

Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

***Re: Soundview Elite Ltd. v. Gerti Muho, et al
Civil Action No. 13-cv-6895 (AT)***

Dear Judge Torres:

We write regarding the Court's October 22nd Order, as reflected in the hearing transcript that day, setting the deposition of defendant Gerti Muho in the above-referenced action for November 18, 2013. Due to a scheduling conflict on November 18th, we respectfully request that the date for that deposition be adjourned until November 26, 2013.

On October 30, 2013, we served a Notice of Deposition, Request for Production of Documents, and a copy of the Court's October 22nd hearing transcript *via* Federal Express and certified mail to Defendant Gerti Muho at 6031 Grove Street, Ridgewood, New York 11385, where all previous service on Mr. Muho in this action has been made. The same day, we also sent a courtesy copy of the documents *via* electronic mail to the e-mail address that Mr. Muho has used to communicate with us previously and to which he requested we send e-mails in the future. The FedEx package was returned to us. Even though we presume that Mr. Muho received the documents by certified mail and e-mail, on November 7th, we also sent copies of the discovery requests to defendant Muho *via* FedEx and certified mail to defendant Muho's other address located at 20 Exchange Place, Apartment 4504, New York, New York 10005. According to the building's doorman, defendant Muho resides at that location, but has not been seen for some time.

Plaintiffs' Notice of Deposition proposed that the deposition take place on November 26, 2013. In the cover letter that accompanied the Deposition Notice, we invited defendant Muho to contact us to confirm that he was available on that date. We have not heard from defendant Muho.

Hon. Analisa Torres
November 12, 2013
Page 2

Accordingly, we respectfully request that the Court amend the October 22 Order to allow defendant Muho's deposition to take place on November 26 or another mutually agreeable date. We note that Defendant's time to answer has now passed. Given the lack of communication from defendant Muho, we have our doubts that he will appear for his deposition or otherwise respond to our discovery demands. As such, we anticipate that we will soon seek further relief from the Court, specifically, a default judgment.

Respectfully submitted,



Nicolas Commandeur

cc: Mr. Gerti Muho (via email and first-class mail)